

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**FILED**  
OCT 13 2005  
GRANT PRICE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: \_\_\_\_\_ DEPUTY

**GENERAL ORDER CONCERNING ATTORNEY FEES FOR  
REPRESENTATION OF DEBTORS IN CHAPTER 13 CASES**

The provisions contained in this Order shall be applicable to all Chapter 13 cases filed on or after October 17, 2005.

**A. General Provisions - applicable to all subsequent fee provisions:**

- i. Debtors' attorneys are encouraged to accept a reasonable retainer amount.
- ii. Pursuant to FED. R. BANKR. P. 2016(b), debtors' attorneys must disclose any monies paid to them from any source on behalf of debtors.

iii. The fees set forth below are presumed to be reasonable. However, in cases where an attorney believes additional fees are warranted, the attorney may submit a written fee application together with attorney time records complying with 11 U.S.C. §330, as interpreted in *In re Seneca Oil Co.*, 65 B.R. 902 (Bankr. W.D. Okla. 1986). Additionally, in cases pending on October 14, 2005, where an attorney believes fees above the amounts set forth in prior applicable guidelines are warranted, the attorney may submit a written fee application together with attorney time records complying with the standards set forth above. Such application will be set for hearing by the Court, and if granted, the manner of payment will be determined by the Court.

iv. All requests for fees or compensation by Chapter 13 debtors' attorneys shall be approved by the Court, and no attorney fees will be paid in whole or in part by the Chapter 13 Trustee before being approved by the Court unless otherwise specified in this Order. More specifically, after the filing of a petition, a debtor(s)' attorney shall not request, demand or accept from the debtor, or from any other person or entity acting on behalf of or for the benefit of the debtor, any payment for

services or retainer without first obtaining a court order authorizing the fees and specifically permitting direct payment of those fees by the debtor(s). Additionally, debtors' attorneys shall not state or imply to their clients that the debtor will be billed for further services related to debtor's bankruptcy, even if intended merely to discourage future telephone calls or contact. However, attorneys may collect the post-petition filing fees imposed by the Court for the filing of necessary documents after the petition is filed.

v. No application for attorney fees will be heard or approved prior to confirmation, conversion, or dismissal.

vi. A debtor's attorney seeking to withdraw from representation of the debtor must fully disclose in the application to withdraw the extent, if any, to which the attorney will act to protect the debtor's interests until either new counsel enters an appearance or debtor elects to proceed *pro se*. Such application must also disclose the amount, if any, of the yet unpaid fee that will be sought by the attorney.

vii. The Court presumes the conduct of the Chapter 13 Bar relating to attorney fees will be ethical and will in all respects comply with all applicable statutes, rules, and this Order, all of which will be strictly enforced.

viii. The fee schedule will be reviewed every four years, or at lesser time intervals if circumstances so warrant.

**B. Pre-Confirmation:**

i. In cases filed October 17, 2005, or thereafter, upon confirmation of a case, debtor's attorney will be awarded a fee of \$2,500, inclusive of any retainer received pre-petition, without the necessity of filing a fee application. This fee shall be \$3,500, inclusive of any pre-petition retainer, in a Trustee-identified business related case.

ii. Such fee shall constitute compensation for fees and expenses incurred for all pre-confirmation services and nominal post-confirmation services, including, but not limited to, answering clients' general questions, reviewing notice of claims filed, reviewing annual reports, filing proofs of claims on behalf of creditors, serving the plan or plan summary if necessary, filing motions to extend the automatic stay or to extend the time to file required documents, responding to motions for declaratory orders, attending all hearings, including the §341 Meeting and Confirmation hearing, and serving the Order Confirming Plan.

iii. Such fee shall be paid at a rate of \$400 per month or fifty percent (50%) of the monthly plan payment, whichever is less. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Chapter 13 Trustee or a creditor objects.

iv. If, due to delay caused by neglect of the debtor's attorney, the case is not ready for confirmation at the conclusion of the §341 Meeting, but ready for confirmation by the day of the first scheduled confirmation hearing, the allowed fee will be reduced by \$150. If the case is not confirmed by the conclusion of any continued confirmation hearing due to such neglect, the allowed fee will likewise be reduced another \$200. Such reduction will be imposed each time the case is continued due to the attorney's neglect. If the case is not ready for confirmation at any of the foregoing stages and it is clear this occurred through no fault of the debtor's attorney, the Trustee is encouraged to recommend that the reduction be waived.

#### C. Post-Confirmation:

i. An attorney fee of up to \$350 will be allowed, without the necessity of filing a separate fee application, for each post-confirmation service. These include, but are not limited to: 1) filing, responding to, and resolving by modification a motion to dismiss; 2) filing, responding to, and resolving by bringing the mortgage inside the plan a motion for relief from the automatic stay; 3)

filing a motion to modify other than to resolve a motion to dismiss; and 4) filing a motion to incur new debt only after being denied permission to incur such debt from the Chapter 13 Trustee. The fee includes all services related to the matter, from client interview to the filing of a response and/or motion, through resolution by agreement or appearance at a hearing, and will be awarded upon completion of the matter.

ii. Such fee will be paid through the confirmed plan at the rate of \$75 per month, beginning in the month following entry of the Order resolving the matter and awarding the fee. The fee is subject to being paid at a lesser rate if payment at such rate would not provide adequate protection and either the Chapter 13 Trustee or a creditor objects, and payment of the fee will be delayed until any delinquent post-petition ongoing mortgage payment being paid through the plan is brought current.

**D. Cases Dismissed or Converted Prior to Confirmation:**

i. An attorney fee of up to \$1,250 will be awarded, without the necessity of filing a detailed fee application with time records attached, if the case is dismissed or converted prior to confirmation. This fee may consist of any pre-petition retainer paid by the debtor, plus monies held by the Chapter 13 Trustee after payment of adequate protection payments and the fees allowed to the Trustee on adequate protection payments. The Trustee will be allowed to collect a fee on attorney fees paid in cases dismissed or converted prior to confirmation. Such fee shall be in an amount equal to the Trustee's statutory percentage fee.

**E. Cases Converted Post-Confirmation:**

i. An attorney may accept from the debtor(s) or bill, without separate order, an attorney fee of up to \$500 for services necessary to convert the case from one under Chapter 13 to one under Chapter 7, 11, or 12.

ii. This fee shall include all services relating to the conversion, including the client interview, the filing of the notice of conversion, and any other pleadings necessary to effect the conversion, plus appearance at the §341 Meeting.

Dated this 13 day of October, 2005.



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JUDGE NILES JACKSON  
UNITED STATES BANKRUPTCY JUDGE